Remarks

Claims 1-12 and 14-19 are now pending in this application. Applicants have amended claims 6-12, added claims 14-19, and cancelled claim 13 to clarify the claimed invention. Claims 1-5 stand as withdrawn from consideration by the Examiner. Applicants respectfully favorable reconsideration of this application.

The rejection of claim 13 under 35 U.S.C. §§ 101 and 112, second paragraph, are no longer relevant since this claim is no longer pending. Accordingly, Applicants respectfully request withdrawal of these rejections.

The Examiner rejected claims 6-12 under 35 U.S.C. § 112, second paragraph, as indefinite. Applicants have amended claims 6-12 to recite patentable subject matter of the claimed invention with improved clarity and to provide antecedent basis for all terms. Additionally, the terms "high impact compaction energy", "considerable purity", "relatively small particle size", and "substantial density" are no longer present in the claims. In view of the above, Applicants respectfully request withdrawal of this rejection.

Applicants submit herewith on a separate sheet an abstract of the disclosure.

Applicants have amended the specification to insert section headings.

The Examiner rejected claims 6, 7, and 10 under 35 U.S.C. § 103(a) as being

unpatentable over Rogier et al. in view of WO 00/30788 to Troive. The Examiner rejected claims 6-12 under 35 U.S.C. § 103(a) as being unpatentable over Bishop et al. in view of Troive.

The combination of Rogier et al. and Troive does not suggest the invention recited in claim 6 since, among other things, the combination does not suggest producing a body from a powder agent that stimulates bone growth and compressed bone-compatible and/or tissue-compatible powder material utilizing impact compaction to form a blank and treating the blank. Rogier et al. suggests mixtures of CAP glass with volumes of titanium particles, as described at chapter 2.1, second paragraph. Rather than suggesting impact compaction, Rogier et al. suggests hot-pressing a mixture using "flash pressing", as described at chapter 2.1, second paragraph. Rogier et al. suggests studying thermal and elastic behavior and fracture mechanics of the composites described at page 5664, col. 1, last paragraph. Hence, Rogier et al. suggests a compaction technique suitable for a specific mixture. The compaction technique according to Rogier et al. differs from the impact compaction technique recited in claim 6.

Troive does not suggest producing a body from a powder agent that stimulates bone growth and compressed bone-compatible and/or tissue-compatible powder material utilizing impact compaction to form a blank and treating the blank. The only powder suggested by Troive is cemented carbide powder, described at page 6, line 3. Hence, Troive does not suggest a mixture of powdered components that it is suitable for impact compaction. Therefore, the combination of Rogier et al. and Troive suggests a very specific mixture and compaction technique from the claimed invention.

There is no evidence that impact compaction suggested by Troive would function with the mixtures suggested by Rogier et al. Rogier et al. suggests specific mixtures and compaction techniques for those mixtures. Rogier et al. does not suggest other compaction techniques. Therefore, the combination does not suggest the claimed invention, there is no motivation to make the combination. Additionally, even if one skilled in the art were to attempt to combine the Rogier et al. and Troive, it is not clear the combination would result in the claimed invention, which includes a method specifically suitable for producing a device for the human body from a blank.

The combination of Bishop et al. and Troive does not suggest the invention recited in claim 6 since, among other things, the combination does not suggest producing a body from a powder agent that stimulates bone growth and compressed bone-compatible and/or tissue-compatible powder material utilizing impact compaction to form a blank and treating the blank. As described at page 1516, col. 1, second paragraph, through col. 2, third paragraph, Bishop et al. suggests preparing functionally gradient materials including mixtures of dry Ti and hydroxyapatite powders containing 10, 20, and 30 wt%, utilizing a specific procedure to layer the mixtures, and cold compacting the layered powders at a certain pressure to obtain a billet, which in turn was heated and subsequently hot-pressed. Hence, Bishop et al. suggests pressure compaction and not impact compaction. Bishop et al. explicitly concentrates on the production and structure of the functionally gradient material, as stated at page 1516, second column, first 2 lines. Hence, Bishop et al. suggests a compaction technique suitable for the specific layered mixtures disclosed. The compaction technique according to Bishop et al. differs from the compaction technique according to the claimed invention. In view of the above, Bishop et al.

suggests very specific mixtures and compaction techniques.

Additionally, there is no evidence that impact compaction suggested by Troive would function with the mixtures suggested by Bishop et al. Bishop et al. does not suggest other compaction techniques. Therefore, the combination does not suggest the claimed invention, there is no motivation to make the combination. Additionally, even if one skilled in the art were to attempt to make the combination, it is not clear the combination would result in the claimed invention, which includes a method specifically suitable for producing a device for the human body from a blank.

In view of the above, the references relied upon in the office action do suggest patentable features of the claimed invention. Therefore, the references relied upon in the office action do not make the claimed invention obvious. Accordingly, Applicants submit that the claimed invention is patentable over the cited references and respectfully request withdrawal of the rejections based on the cited references.

If an interview would advance the prosecution of this application, Applicants respectfully urge the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit

overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

Date: December 11, 2008

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